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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,173

01/25/2002

James D. Webb

P-9452

5280

27581

7590

09/30/2004

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EXAMINER

ARNOLD, ADAM

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,173

Applicant(s)

WEBB, JAMES D.

Examiner

Adam Arnold

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The examiner acknowledges the receipt and entry of the applicant's amendment.

Claim Objections

1. Claims 3 and 4 objected to because of the following informalities: "rending" should be spelled "rendering," in order to be consistent with parent claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens, U.S. Patent Publication No. 2002/0143823 in view of Halperin, U.S. Patent No. 5,535,752. Referring to claim 1, Stevens discloses a system for displaying data (paragraph 56, line 5) comprising translating means (paragraph 21) for translating data written in a first predetermined format not compatible with SVG (paragraph 50) into SVG-formatted data (paragraph 50), and formatting means (paragraph 52) for receiving the SVG-formatted data (paragraph 52, line 2—where the list of programs can be the "source or target formats") and for providing a user-comprehensible representation of the SVG-formatted data (paragraph 52, line 6—where the HTML code is used to create a web page). Stevens does not disclose displaying

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Implantable Medical Device (IMD) data. Halperin discloses where a physician examines monitored IMD data (col. 5, line 35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display IMD data. One of ordinary skill in the art would have been motivated to do this in order to monitor important bodily data (see Halperin, col. 2, line 18) and because IMD data must be translated to be useful and Stevens allows for translation between files of “significantly different formats” (see Stevens, paragraph 32). Moreover, this limitation is in the preamble and is not given significant patentable weight.

Referring to claim 2, Stevens in view of Halperin discloses where the formatting means is means for rendering the SVG-formatted data into a web page (see paragraph 52, line 6 and “HTML”).

Referring to claim 3, Stevens in view of Halperin discloses where the means for rendering is an SVG browser plug-in (paragraph 50).

Referring to claim 4, Stevens in view of Halperin discloses where the means for rendering is an SVG display engine (paragraph 16).

Referring to claim 5, Stevens in view of Halperin discloses translating data from a predetermined format into XML (paragraph 52).

Referring to claim 6, Stevens in view of Halperin discloses an XML parser (see paragraph 52, which discloses an XML translator and paragraph 131, line 8 for the parser, which applies to all of the different languages listed in paragraph 52).

Referring to claim 8, Stevens in view of Halperin discloses where the formatting means includes a file for storing the SVG data (paragraph 43).

Referring to claim 10, Stevens in view of Halperin discloses where the formatting means includes a display device (paragraph 47—literally a graphical user interface, which inherently must be viewed on a display).

Referring to claim 11, Stevens in view of Halperin does not disclose where the formatting means includes a printer. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the formatting means include a printer. One of ordinary skill in the art would have been motivated to do this in order to make a hard copy of a source file (see Stevens, paragraph 1).

Referring to claim 12, Stevens in view of Halperin discloses translating the data written in the first predetermined format directly into SVG-formatted data (paragraph 50).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Halperin, further in view of Bloch, U.S. Patent Publication No. 2002/0129129. Stevens in view of Halperin does not disclose where the XML parser is a web browser. Bloch discloses a browser which parses XML (paragraph 106). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have a browser parse XML. One of ordinary skill in the art would have been motivated to do this in order to deploy applications over a distributed network to web-enabled devices.

Allowable Subject Matter

5. Claims 13-20 are allowed.
6. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art does not anticipate, nor does it suggest, the system as claimed in claim 9. The prior art of record does not include where the formatting means includes a customer patient charting system for receiving and displaying the SVG-formatted data.

The prior art does not anticipate, nor does it suggest, the system as claimed in claims 13-17. The prior art of record does not include a system to manage medical session data comprising a processing circuit to convert the medical session data from an XML format to an SVG format and a device to utilize the medical session data translated into the SVG format to generate viewable data.

The prior art does not anticipate, nor does it suggest, the system as claimed in claims 18-20. The prior art of record does not include a method of displaying session data in an implantable medical device system comprising converting the session data from a first format to a second format, rendering the converted session data to enable multiple display and control of the converted session data, and displaying the rendered data using the multiple display and layout control to provide a user with multiple display of a single set of session data.

Response to Arguments


Applicant's arguments filed June 2, 2004 have been fully considered. The examiner agrees with the applicant that the Krichen reference should be withdrawn. In light of the new grounds of rejection given above, this action is Non-Final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Arnold whose telephone number is 703 305 8413. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703 305 9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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